



General Assembly

**Substitute Bill No. 5799**

January Session, 2005

\*        HB05799PH        040405        \*

**AN ACT CONCERNING DISPOSITION OF UNCLAIMED CREMATED  
REMAINS BY FUNERAL DIRECTORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2005*) If the person who has  
2       custody and control of the remains of a deceased person pursuant to  
3       section 45a-318 of the general statutes requests the disposal of the  
4       deceased body by cremation or if the deceased had executed a  
5       cremation authorization form in accordance with the provisions of said  
6       section 45a-318, the funeral director shall complete a written form  
7       containing the following information: (1) The name and address of the  
8       funeral service business that is responsible for the disposal of the  
9       deceased body; (2) the name of the deceased; (3) the place and time of  
10      the cremation; (4) the name of the licensed funeral director or  
11      embalmer; (5) the name and address of the person who has custody  
12      and control of the remains of the deceased; (6) a summary of the  
13      disposition, in accordance with section 2 of this act, of the cremated  
14      remains, if unclaimed; and (7) a statement indicating the disposition of  
15      the cremated remains requested by the person who has custody and  
16      control of the remains of the deceased or a statement indicating the  
17      deceased had executed a cremation authorization form in accordance  
18      with the provisions of section 45a-318 of the general statutes. The  
19      written form shall be signed and dated by the person who has custody  
20      and control of the remains of the deceased and the funeral director. A

21 copy of the signed form shall be provided to the person who has  
22 custody and control of the remains of the deceased. The original  
23 signed form shall be retained at the funeral service business for not less  
24 than twenty years from the date on which it was signed by the person  
25 who has custody and control of the remains of the deceased.

26 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) If the cremated remains are  
27 not accepted by a person in accordance with the requested disposition  
28 of the cremated remains on the form required by section 1 of this act or  
29 by the person designated to take custody and control of the cremated  
30 remains, the funeral director may dispose of such cremated remains  
31 by: (1) Burial in a cemetery, (2) storage in a crypt of a mausoleum or  
32 columbarium, (3) scattering, (4) burial in a memorial garden, (5)  
33 storage at the funeral home, or (6) such other method identified in the  
34 signed form required by section 1 of this act, provided the funeral  
35 director has complied with the notice requirements of subsection (b) of  
36 this section. Upon such disposal of the cremated remains, the funeral  
37 director shall notify, in writing, the registrar of vital records in the  
38 town from which the cremation permit for the deceased was issued  
39 pursuant to section 19a-323 of the general statutes, as amended by this  
40 act, of the manner in which the cremated remains were disposed. Such  
41 written notice shall be attached to the cremation permit.

42 (b) If, because of the failure of the person responsible for accepting  
43 the cremated remains or the person designated to take custody and  
44 control of the cremated remains to accept such remains, a funeral  
45 director or embalmer possesses cremated remains for more than one  
46 hundred eighty days after the date of cremation, such funeral director  
47 or embalmer shall provide notice, by certified mail, to (1) the person  
48 who signed the form required by section 1 of this act, and (2) (A) the  
49 person responsible for accepting such remains, or (B) the person  
50 designated to take custody and control of the cremated remains, if  
51 different from the person signing the form. Such notice shall provide  
52 that if the cremated remains are unclaimed for more than ninety days  
53 from the date of mailing of such notice, the remains will be disposed of  
54 in accordance with subsection (a) of this section.

55 (c) Any cremated remains in the possession of a funeral director on  
56 July 1, 2005, may be disposed of in the manner specified in subsection  
57 (a) of this section, provided the funeral director has made a reasonable  
58 attempt to notify the person who had custody and control of the  
59 remains of the deceased or a relative of the decedent. Such notice shall  
60 provide that if the cremated remains are unclaimed for more than one  
61 hundred eighty days from the date of mailing of such notice, the  
62 remains will be disposed of in accordance with subsection (a) of this  
63 section.

64 Sec. 3. Section 19a-323 of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective July 1, 2005*):

66 The body of any deceased person may be disposed of by  
67 incineration or cremation in this state or may be removed from the  
68 state for such purpose. If death occurred in this state, the death  
69 certificate required by law shall be filed with the registrar of vital  
70 statistics for the town in which such person died, if known, or, if not  
71 known, for the town in which the body was found. The Chief Medical  
72 Examiner, Deputy Chief Medical Examiner, associate medical  
73 examiner, or an authorized assistant medical examiner shall complete  
74 the cremation certificate, stating that such medical examiner has made  
75 inquiry into the cause and manner of death and is of the opinion that  
76 no further examination or judicial inquiry is necessary. The cremation  
77 certificate shall be submitted to the registrar of vital statistics of the  
78 town in which such person died, if known, or, if not known, of the  
79 town in which the body was found, or with the registrar of vital  
80 statistics of the town in which the funeral director having charge of the  
81 body is located. Upon receipt of the cremation certificate, the registrar  
82 shall authorize the cremation certificate, keep it on permanent record,  
83 and issue a cremation permit, except that if the cremation certificate is  
84 submitted to the registrar of the town where the funeral director is  
85 located, such certificate shall be forwarded to the registrar of the town  
86 where the person died to be kept on permanent record. The estate of  
87 the deceased person, if any, shall pay the sum of forty dollars for the  
88 issuance of the cremation certificate or an amount equivalent to the

89 compensation then being paid by the state to authorized assistant  
 90 medical examiners, if greater. No cremation certificate shall be  
 91 required for a permit to cremate the remains of bodies pursuant to  
 92 section 19a-270a. When the cremation certificate is [issued in]  
 93 submitted to a town other than that where the person died, the  
 94 registrar of vital statistics for such other town shall ascertain from the  
 95 original burial transit removal permit that the certificates required by  
 96 the state statutes have been received and recorded, that the body has  
 97 been prepared in accordance with the Public Health Code and that the  
 98 entry regarding the place of disposal is correct. Whenever the registrar  
 99 finds that the place of disposal is incorrect, the registrar shall issue a  
 100 corrected burial transit removal permit and, after inscribing and  
 101 recording the original permit in the manner prescribed for sextons'  
 102 reports under section 7-72, shall then immediately give written notice  
 103 to the registrar for the town where the death occurred of the change in  
 104 place of disposal stating the name and place of the crematory and the  
 105 date of cremation. Such written notice shall be sufficient authorization  
 106 to correct these items on the original certificate of death. No body shall  
 107 be cremated until at least forty-eight hours after death, unless such  
 108 death was the result of communicable disease, and no body shall be  
 109 received by any crematory unless accompanied by the permit  
 110 provided for in this section. The fee for a cremation permit shall be  
 111 three dollars and for the written notice one dollar. The Department of  
 112 Public Health shall provide forms for [such] cremation permits, which  
 113 shall not be the same as for regular burial permits and shall include  
 114 space to record information about the intended manner of disposition  
 115 of the cremated remains, and such blanks and books as may be  
 116 required by the registrars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	19a-323

**PH**      *Joint Favorable Subst.*